

88. A method of dividing an open area beside a wall into a stall for an animal, the method comprising:

providing a substantially horizontally-extending base;

coupling a first end of a dividing element to the base, the dividing element extending substantially rearwardly alongside the stall from a head space for the head of an animal; and

securing a second end of the dividing element to the wall in a position at the head space located higher than the first end of the dividing element.

REMARKS

In the Office Action dated August 1, 2002, the Examiner states that the Response filed on May 8, 2002 is not fully responsive to the previous Office Action dated January 31, 2002. In particular, the Examiner states that the Preliminary Amendment received by the United States Patent and Trademark Office (dated September 20, 2001) did not include new claims 51-100. The Applicant hereby submits new claims 39-88, which are the same as claims 51-100 included in the September 20, 2001 Preliminary Amendment. Claims 1-38 are hereby canceled. Accordingly, claims 39-88 are pending in the present application.

In paragraphs 1 and 2 of the Office Action dated January 31, 2002, claims 1-38 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-19 of United States Patent Number 5,975,026 issued to Rudolph (the '026 Rudolph Patent). In a telephone conversation between the Examiner and the undersigned Applicant's Representative on April 30, 2002, the Examiner noted that the Office Action incorrectly refers to claims 1-38 as originally filed in United States Patent Application Serial Number 09/004,467 (now issued as United States Patent Number 5,975,026) to which this application claims priority. Therefore, the Applicant hereby requests examination of pending claims 39-88 submitted herewith.

If any issues remain in the present application, the Examiner is invited to contact the undersigned Applicant's Representative by telephone at (414) 225-8266 at the Examiner's convenience to discuss the application.

Respectfully submitted,

BY 

Christopher B. Austin
Attorney for Applicant
Registration No. 41,592

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, WI 53202
414-225-8266
X:\CLIENTB\065379\9001\A0431076.1